



# HEMDAT YAMIM

Parashat Hashavua

Miketz, 30 Kislev 5782

## The Many Implications of Shever

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Rashi explains the origin of Yaakov's problems with the enmity of his sons toward Yosef with the idea that Yaakov "requested to live in tranquility (*shalva*)." He says that Hashem complains about it and wonders why *tzaddikim* are not satisfied with having a wonderful lot in the World to Come. Therefore, He initiated the lack of tranquility that surrounded Yosef and his brothers.

Many commentators, including the Alshich are bothered: Could it be wrong for a *tzaddik* to ask for tranquility and must he suffice only with reward in the World to Come? We would point out that Avraham was promised wealth and Bnei Yisrael were promised great riches upon leaving slavery, and those are certainly pleasures of This World. The Alshich answers that the problem was not wanting such things but asking for them. We can point out, though, that our prayers, presumably recited by *tzaddikim* as well, including the *Yehi Ratzon* for Rosh Chodesh and *Tefillat HaShelah* include requests that seem more "This Worldly" than *shalva*. Maybe it is a problem only if one initiates his own fervent request for such elements specifically and it is fine to recite general requests made for the masses. Whatever we will explain, let us clarify that this is only an expectation of great *tzaddikim*, with whom Hashem is very exacting (see Yevamot 121b).

The *midrash* (Bereishit Rabba 84:3) from which Rashi apparently took this idea is somewhat more "lenient" than Rashi. For one, it attributes the complaint not to Hashem, but to the *Satan*, as something to instigate about (making it farther from an actual sin). Additionally, it says that it applies to *tzaddikim* who live in tranquility and ask to live in tranquility. In other words, if one is undergoing difficult times, it is understandable, even for a *tzaddik*, to ask for a respite. If he is already enjoying such times and it is still on his mind, then there could be some divine dissatisfaction. Indeed, at the time Yosef was sold, Yaakov had been back with his father for close to ten years. So according to the *midrash*, at that time, the balance of his focus should have been somewhat different.

One of the commentaries of Midrash Rabba, Y'dei Moshe, presents a fascinating idea about the negative element of wanting *shalva*, which relates to the next passage in the *midrash*. After finding sources that not only Avraham but also Yaakov converted people, it looks for a source that Yitzchak converted people as well. It learns from our opening *pasuk*, "*Vayeishev Yaakov b'erezt megurei aviv*" (Yaakov lived in the land in which his father lived) that *megurei* refers to the *meguyarei* (those who his father converted). The Y'dei Moshe goes on that since one is not to convert people when things are too good for the Jews (as it raises the possibility of ulterior motives), if Yaakov had too much tranquility, he would not be able to convert people anymore.

Let us broaden the message of the Y'dei Moshe. Hashem wants his *tzaddikim* on close to a single-minded, if broad, mission – to spread Torah values as widely as possible. While a certain amount of *shalva* and even wherewithal could be helpful, a *tzaddik* should best concern himself only with things that promote success in that realm. Other *berachot* can wait for the World to Come.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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# Ask the Rabbi

by Rav Daniel Mann

## Women Doing Work on Chanuka

**Question:** Is the *minhag* of some women to curtail work on Chanuka binding? When exactly does it apply, and what type of work is included?

**Answer:** Assuming either one's community or family has the *minhag* of women refraining from work on Chanuka, which existed broadly from the time of the *Rishonim* (see Tur, Orach Chayim 670; Orchot Chayim, Chanuka 21), it should normally be kept. However, various reasons are given for it, and there are great differences of opinion as to when, to what, and even to whom it applies. The opinions in each of the questions also impact on other questions. Some early sources also describe it as a grass-roots *minhag*, which makes it less predictable and rigorously consistent.

The reasons given for the *minhag* are: 1. Orchot Chayim *ibid.* – as a reminder that one may not benefit from the Chanuka candles (or out of concern the candles will go out and one will be using them). 2. Levush, OC 670:1 – it was made like a *Yom Tov* so people will not take their minds off the miracle.

These reasons do not explain a distinction between men and women, and there are opinions that it also applies to men (Maharil, Chanuka 11, as understood by Eliya Rabba 670:11; the Mishna Berura 670:3 reports that in some places men also refrain). However, this is not the recommended (Shulchan Aruch, OC 670:1) or common practice. Some claim that women doing work are more likely to use the Chanuka candles (Mor U'ktzia, OC 670), but it is more accepted that it is because of women's place of honor in the miracle of Chanuka, through Yehudit (Magen Avraham 670:1 based on Mateh Moshe, Chanuka 994). (One can explain that women's feeling of connection caused them to accept it or that it is objectively proper, because of women's virtue, to connect them to the celebration and even have a "vacation," like some say regarding Rosh Chodesh (see *Shibolei Leket* 184; Tur, OC 417).)

According to most opinions, the *minhag* applies only as long as the candles are required to be lit (Mishna Berura 670:4), i.e., a half hour, which is when there is a prohibition of benefit (see Shulchan Aruch, OC 672:2 and Mishna Berura *ad loc.* 7-8). Some say it is as long as they are still lit (implication of Shulchan Aruch, OC 670:1), or perhaps as long as the lights in *shul* are expected to be lit (Magen Avraham 670:2). The latter opinions work better with the idea of women's connection or creating a *Yom Tov* to focus on Chanuka's significance. There was a *minhag* for women to refrain from work for all of Chanuka, which is maligned as unhealthy (Orchot Chaim *ibid.*), but some say it is reasonable to do so on the first and last day, as we find on *Yom Tov* (*ibid.*). This again does not work with the idea of benefit from the candles, but certainly this is not a common *minhag*.

Regarding what is prohibited, logically if it is related to benefit from the candles, it could apply to any work, and if women treat this time like a *Yom Tov*, it would be no broader than the restrictions of *Yom Tov* or probably even *Chol Hamo'ed* (Shraga Hameir VI:87). According to the latter approach, it would be permitted to cook, which is the prevalent *minhag* (Mikraei Kodesh 1:5). The consensus is to allow *melacha* that is trivial from a work perspective (e.g., turning on lights), unless **perhaps** if they are in the context of "major work," such as turning on the washing machine (see Rivevot Ephrayim VI:409.2). Certainly those who practice a long time of restriction do so only in regard to major jobs, but the claim of some that the *minhag* in Yerushalayim is to refrain from virtually everything to keep focused on the candles is practical because they refer only to a period of around a half hour (see P'ninei Chanuka (Q&A with Rav Elyashiv), p. 131-3; Rivevot Ephrayim I:436).

We would recommend to everyone to follow her *minhag*, but many are confused about its details and, on such a matter, can choose. One should not be *machmir* if it will create tension or take away from her (family's) Chanuka joy. She should also spell out at least mentally that she does not want it to be a *neder*.

**Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.**



# Igrot HaRe'aya - Letters of Rav Kook

## Spread the *Tzaddik's* Teachings, Not His Asceticism - #73 – part III

**Date and Place:** Iyar 5667, Yafo

**Recipient:** Rabbi Yaakov Moshe Charlop, the illustrious *talmid chacham* and a close confidante of Rav Kook, later to be rabbi of Sha'arei Chesed and Rosh Yeshiva of Merkaz Harav. Rav Charlop was one of the closest disciples of Rav Tzvi Michal Shapira, a saintly scholar and ascetic. Rav Charlop was involved in the posthumous publishing of letters and teachings of Rav Shapira.

**Body:** [We have seen that while Rav Kook revered Rav Shapiro and welcomed Rav Charlop's publishing of his writings, he thought that real asceticism is appropriate only for a tiny number of *tzaddikim*. Now Rav Kook focuses on what is appropriate for the rest of those who are ambitious religiously.]

The goal of our actions must always be to have the light of wisdom shine upon us, so that we will be set in the holy halls of the study of fear and service of Hashem. This must be studied from teachers and books and include an attempt to elevate ourselves step by step, with common sense and the pleasantness of good, accepted characteristics, so that we can find favor in the eyes of Hashem and our fellow man. This will heal our weak, afflicted bodies and give new life to our dark, depressed spirit with the light of the joy of the divine graciousness, which is embedded in the light of Torah. It is especially revealed in the internal glow of the esoteric Torah teachings and those relating to the fear and service of Hashem. This is achieved by the teachings in these spiritual works as understood intellectually, written by the generation's greatest people. However, it is also and especially achieved through concealed elements of study, which can be revealed, by "looking through the cracks" (Shir Hashirim 2:9) for all whose heart desires to draw close to sanctity and seek Hashem and His might.

Haphazard study is insufficient. It must be done on a regular, daily basis, until a spirit from Above will shine upon us, and internal serenity and a true joy of Torah and pure service will light our hearts. This will fill us with strength and vigor, and we might reach the point at which we may incorporate, in a thought-out manner, an element of asceticism and self-affliction. We should weigh the steps as one would weigh precious coins, so that it has only a positive impact on both our physical and spiritual well-being. Thereby, a divine charm and the grandeur of the light of Torah will illuminate all the dark places in our lives, and we will succeed in whatever we do. It will open wellsprings of pure water of true Torah teachings in different types of analysis of halachic and philosophical elements, as well as interpersonal matters, bringing peace and love toward our people and our beloved Land, upon which Hashem's eyes and Israel's attention are always focused. It will penetrate through the walls of the heart and through the stream of wisdom and divine sanctity, taught to us by early scholars and recent ones. From the great teachings of your holy *rebbe*, we will drink until satiation to revive our soul. Then we can bring merit to the masses and return the glory of the perfect Torah of Hashem and the honor of those who toil in its study in purity in the Holy Land for all to see. This will give us a part in sanctifying Hashem's great Name from His holy mountain.

The merit of the saintly author, whose work you want to publish, should accompany you and all who assist in spreading the light of his Torah and sanctity. May this bring you additional years of productive life and the light of the joy of Hashem and His pleasantness. May you have great success and see the light of salvation and eternal redemption and the light of Hashem's return to Zion, as her children return to her in joy. May the "horns of the righteous" be raised in Jerusalem, and let all who seek Hashem see salvation, which will bring eternal life to their hearts.

We daven for a complete and speedy *refuah* for:

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Yisrael ben Rivka

Rivka Reena bat Gruna Natna  
Arye Yitzchak ben Geula Miriam  
Together with all *cholei* Yisrael

Neta bat Malka  
Meira bat Esther

# P'ninat Mishpat

## Did the Owner Exhaust his Opportunities? – part I

(based on ruling 80065 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) was in debt a few hundred thousand NIS for years. *Hotza'ah Lapo'al* (the enforcement arm of the court system) carried out a public auction to sell pl's apartment (a converted storage room with multiple building violations), with a large part of the sales proceeds going to creditors. The defendant (=def) had the winning bid (1.12 mil. NIS) in 11/19, a purchase confirmed by the courts in 01/20, after pl failed to convince them that he would be able to pay the debt in another way. Soon after the court's final approval of the sale, pl found a donor to reimburse def for the purchase of the house. Def said that he would consider returning the apartment, but then refused, saying that the person who financed the purchase already sold property to make it possible. Pl demands the apartment back with the following claims: the price paid was *ona'ah* (unfairly low); as the owner, pl had the first right to buy the property from the court (*dina d'bar metzra*); def cannot back out of his oral agreement to undo the sale (*mehusarei amana*): pl's mother, who does not owe money, is the apartment's true owner.

**Ruling:** We will deal with different issues each week of presentation.

The claim that pl's mother owns the apartment – that is not something we can incorporate into this decision. Pl's mother did not join these proceedings as a litigant, and therefore her claims (or her son's claims in her name) are not able to be considered. Additionally, we have not been shown any documentation that indicates the claim is true, and pl himself has acted as if he owns the property. Finally, that matter was already presented to the courts. If the courts did not place a restraining order on the sale of the apartment, which a different court already approved, we do not have grounds to disqualify the purchase. Of course, if the courts ever accept the claim that pl's mother is the true owner, the basis for the sale by *Hotza'ah Lapo'al* will presumably be undone.

The claim that def agreed to undo the sale – If one orally agrees to a sale without an act of *kinyan* and then backs out, there is a grievance against him known as *mehusarei amana* (lacking credibility) (Choshen Mishpat 204:7). However, that is a moral claim, not one that *beit din* enforces (Shut Ra'anach 118). Furthermore, def claims with confidence that he only said that he would consider if it could be done. If that is the case, and pl did not bring any evidence that it is not, then there is not even an oral agreement on this matter, and these are not grounds for even a moral obligation.

Pl claimed that by def giving the impression he would agree to undo the sale, he prevented pl from bringing his new offer to the *koneas nechasim* (appointee of the court for bankruptcy cases). There is no evidence and little logic that the *koneas nechasim* would have acted differently after the courts finalized the sale to def, according to his recommendation. Additionally, there is no evidence that def deceived pl. Even if these things would have occurred, such damage would be no more than *gerama* (indirect causation) and not grounds for action by *beit din* in this case.



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